

Board of Selectmen
December 17, 2012

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM Public Meeting – Selectmen’s Meeting Room, Downstairs Town Offices

SALUTE TO THE FLAG

IV. Appointments

1. Michael Schwotzer
 - a. Monthly Financials

Mr. Schwotzer will be reviewing the November Income/Expense Statements which are available on the website.

Under Income he discussed the following: Motor Vehicle Income, December expected revenue from Rooms and Meals Tax and additional income from motor vehicle registration.

Under Expenses he discussed the following: operating departments without debt service were 89% of the budget which is 2.7% below the month’s target of 91.7%, YE “Savings” now being under expended by \$297k, after doing a mid-month analysis YE “Savings” now being under expended by \$422k, in personnel administration the \$115.9k positive variance in Employee Separation Costs should carry through the end of the year, when add the \$115k to \$9818 in buyback have a total of \$125k, would like permission to send \$25k to the Trustees of the Trust Fund to be added to the compensated leave trust, in 2011 sent \$15k to this fund, PD continues to run below budget, FD running below budget, EMS related incentive costs (approx. \$60k) have yet to be transferred to the EMS revolver, Public Works both sections within their budgets overall under by 7.2% and 4%, \$33k in excess cost has been transferred from the Road Improvements Warrant Article to the Paving and Reconstruction account, \$18k in excess cost has been transferred from the Drainage Warrant article to the Drainage Construction account, this is necessary because Warrant Articles have a maximum expenditure limit and it was exceeded in both situations and has done both November report and mid-December report and things are looking good.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Schwotzer.

Mr. Nichols asked questions and made comments as follows: asked about the \$25k to be moved to the compensated leave trust, budgeted amount for retirements, why not move the entire \$125k to the compensated absence fund, improvement in encumbrances, \$261k in open PO's, do they have a handle on where they expect to end up in encumbrances, YE savings estimates, \$91k contribution holiday from LGC, encumbrance in FD building account, DPW overtime being over budget and 2013 budget less on these accounts, moving money out of paving article to budget, projects involved with this paving and do we expect another payment from Trustees of the Trust Fund.

Mr. Pierce asked questions and made comments as follows: cable committee computer system for \$12.2k and wonders who knew about this and when there is a big item such as this it should come to the Board.

There was an additional discussion on the Cable Committee purchases and possible changes in the purchasing policy in regards to the Cable Committee. Mr. Nichols, Mr. Welch, Mr. Schwotzer, Mr. Moore and Mr. Pierce all contributed to this conversation. The Board agreed that at the next meeting they will discuss this item again and possibly set a limit on spending amounts for the Cable Committee.

Mr. Nichols MOTIONED to allocate the amount of \$125,735 under spending to the Compensated Absence Fund. Mr. Moore SECONDED.

VOTE: 5-0-0

b. DRA MS-DT 2013 Default Budget Form

Mr. Schwotzer explained that the Board has already approved the Budget and this is just the form involved.

Mr. Moore MOTIONED to APPROVE the DRA MS-DT 2013 Default Budget Form. Mr. Bean SECONDED.

VOTE: 5-0-0

I. Public Hearing

1. Petition for White's Island Withdrawal from the Hampton Beach Village District

Chairman Griffin opened the hearing to the public for their comments.

Comments from the public

Charlie Preston, 47 Glade Path, is against the petition to withdrawal.

Richard Reniere, 29 Highland Ave, is opposed to the petition attempt.

David Lang, 27 Epping Ave, encourages the Board to vote no on the petition.

Stephen Joyce, 12 Dover Ave, is in favor of the petition to withdrawal.

Helena Barthell, 33-35 Dover Ave, is in favor of the petition to withdrawal.

Andrew Guthrie, 30 River Ave, is in favor of the petition to withdrawal.

Maureen Buckley, 6 Harris Ave, is opposed to the petition.

Bob Ladd, 7 Cutler Ave, is opposed to petition.

Ed MacDonald, 21&25 Epping Ave, is in favor of the petition to withdrawal.

John Kane, 115 Ocean Blvd, is opposed to the petition.

Stephen Labranche, 469 Ocean Blvd, is opposed to the petition.

Skip Windemiller, Ocean Blvd, is opposed to the petition.

Tom McGuirk, 95 Ocean Blvd, is opposed to the petition.

Chuck Rage is opposed to the petition.

Eileen Daboul, 10 Harris Ave, is opposed to petition.

Mike Buckley, 6 Harris Ave, is opposed to petition.

Andrew Lacourse, 12 Atlantic Ave, would like to see the people decide on this.

John Nyhan, 2 Walnut Ave, is opposed to petition.

Mike Robinson, 4 Dover Ave, is opposed to petition.

Ned Lockland, property owner but not resident, is opposed to petition.

A few members from the public spoke for a second time on this petition.

Discussion amongst the Board

Chairman Griffin made comments as follows: there is over 100 precincts in the State of NH, had Tom McGuirk explain the BS Zone, asked John Nyhan to comment on whether or not the Hampton Beach Commission can do the same as the Precinct which John did, member of the Precinct for 40+ years, previous petitions that came before the Board in the past, spoke about the Master Plan and its purpose, improvements in the last few years and comments made in regards to the Town sharing in the cost of the Precinct.

Mr. Moore made comments as follows: read the RSA for the public, asked for a legal interpretation for the public, addressed comments made during the public hearing section, land swap in regards to the land in relation to Fire Station, tax from precinct and what it supports, Town sharing in the cost of the Precinct is not likely to work, discussed difference between living uptown and at the beach, legality of the petition, taking this seriously at the Town level, went through the signatures on the petition including breakdown of registered voters in the Village District compared to petitioned area, this area represents about 12% of Village District budget, understands the right of petition and its importance, went through several RSA's related to petitions, Boards ability to decide whether this goes forward to the voters and he thinks he has done his due-diligence.

Atty. Gearreald made comments as follows: interpretation of the RSA and if the Board votes in favor of petition it would go before the voters for ratification but if the Board denies the petition it would not go before the voters.

Mr. Welch explained in detail the petitions that previously came before the Board.

Chairman Griffin made an additional comment in regards to people paying more in taxes the closer you get to the ocean.

Mr. Nichols made comments as follows: tax amount paid and value of properties on White's Island, number of residents who have applied for the exemption and he does not plan to support the petition.

Mr. Bean made comments as follows: right of petition, thanked those who brought forward the petition, thanked the Town employees who have worked very hard on this, long history of the beach, past petitioners, people who have moved in and out of the district, chapter 52 in Village Districts describing the powers given to these Districts, flood control projects, voting by official ballot and electing District Commissioners, beach clearly different from uptown, ability of Commissioners are the masters of their own destiny down there similar to the job of the Selectmen, went through further details of chapter 52a in regards to the duties of the Commissioners and after reading the law he would be in favor of the Commissioners request to not move this petition forward.

Mr. Pierce made comments as follows: read a comment submitted to him by Terry Wyse a resident of this section who was opposed to the petition, clarified that the Board will be voting on this tonight, firm believer in democracy and since this is a Precinct issue they should decide, statute not clear to him whether the District ever adopted Chapter 52, questioned whether the Board has the authority to vote on this tonight and lastly it should be sent to the Precinct.

Mr. Moore read a comment sent in from June White in support of the petition.

Mr. Moore MOTIONED to DENY the petition of the White's Island Withdrawal from the Hampton Beach Village District. Mr. Nichols SECONDED.

Discussion on motion

Chairman Griffin thanked the Precinct for working together with them in regards to the Fire Station. If this goes any further it will divide the Town once again from the Precinct.

Mr. Bean commented on the information provided to the Board by the Town Attorney.

VOTE: 4-0-1(Pierce)

II. Public Hearing

2. NH Highway Safety Program Grants – Chairman Griffin went through the details of the grants below.
 - a. DWI Patrol – Est. Maximum Amount \$11,143.08
 - b. Pedestrian Patrols – Est. Maximum Amount \$8171.59
 - c. Rt. 101 Speed Enforcement – Est. Maximum Amount \$8171.59
 - d. Red-light Running Patrols – Est. Maximum Amount \$8171.59

Mr. Nichols MOTIONED to APPROVE the NH Highway Safety Program Grants in the estimated total amount of \$35,660.00. Mr. Pierce SECONDED.

VOTE: 5-0-0

III. Public Comment Period – No public Comment.

IV. Announcements and Community Calendar – No Announcements

V. Appointments – Discussed before Item I.

1. Michael Schwotzer
 - a. Monthly Financials
 - b. DRA MS-DT 2013 Default Budget Form

VI. Approval of Minutes

1. December 03, 2012

Page 4. Add as the last sentence before Section VI. 2013 Warrant Articles. Mr. Welch informed the Board that Smuttynose Brewery would be billed \$4089.12 for the sewer connection fee; this amount is the recalculation of the original connection fee amount of \$25,000.

Mr. Nichols MOTIONED to APPROVE the Minutes of December 03, 2012. Mr. Pierce SECONDED.

VOTE: 5-0-0

VII. Town Manager's Report

1. Town Staff have completed the final drafting of warrant articles for your approval tonight.
2. A general information the IRS rate for mileage has increased from 55.5 to 56.5 cents per mile effective January 1, 2013
3. I have provided to the Board a copy of the Hampton Cable TV Local Origination Fund as voted by the Town. I believe the discussion of last week needs clarification. The warrant article raises and appropriates and moves funds to this account on the basis of what is voted. The Selectmen control what is expended not what is placed in the fund.

Discussion on item 3 the Hampton Cable TV Local Origination Fund

Mr. Welch made it clear that the Board controls what is expended and not the amount that is placed in the fund. The amount placed in the fund is what has been voted on at Town Meeting.

Mr. Nichols made comments as follows: disagrees with Mr. Welch in regards to who controls the amount that is placed in the fund, the amount in the warrant article is not what has been done in the past, if Mr. Welch is correct then the Board might want to reconsider the amount in the article and would like further research done for the Board to discuss at a future meeting.

4. The ground breaking for the Winnacunnet Road Fire Station Construction was held at 3PM today. The Beach Fire Station ground breaking was held last Wednesday at 3 PM.
5. The last day to file petition articles to change the Zoning Ordinance was last Wednesday. The last day to file warrant articles for the Town Meeting is January 8th at 5PM in the Selectmen's Office.
6. The dredging of the harbor continues and is projected to be completed by the end of January 2013.
7. The Selectmen's final meeting for 2012 will be held on December 27th at 7PM.

Discussion

Mr. Nichols will email the Town Manager with his questions and the Town Manager will include them in the Town Manager's Report of December 27.

Mr. Pierce asked if Mr. Welch has followed up with the Police Chief in regards to the one way spur at Lafayette/Winnacunnet Road intersection and he has not yet but plans to do so.

VIII. 2013 Warrant Articles

1. Town Budget
2. Re-numbering Town Code – General Code
3. Sewer Connection Fees

Discussion on article #3 Sewer Connection Fees

Mr. Nichols would like more information that models/clarifies how the calculation of the Sewer Connection Fees for commercial.

Mr. Welch explained and gave an example of how the commercial calculation is done, using the NH DES design manual.

Discussion ensued on the residential calculations formula.

Mr. Welch will provide the BOS with the example of the formula for the commercial calculation at the December 27th meeting.

There was a discussion on the \$300 fee to connect and additional cost based on number of units. Mr. Moore and Mr. Pierce both contributed to this discussion and asked questions in regards to the fees and the approval needed from the State. Mr. Nichols also made comments on this fee.

Mr. Moore MOTIONED that article #1 Town Budget be forwarded to the Budget Committee for their review, and article #2 Re-numbering Town Code – General Code to the warrant. Mr. Nichols SECONDED.

VOTE: 5-0-0

Additional Discussion

Mr. Nichols commented on the work he has done with Mr. Schwotzer in regards to the effect on the tax rate if all money warrant articles are approved the tax rate will increase to \$7.61 per thousand; a 6.6 percent increase over 2012.

Mr. Pierce commented on the warrant articles that will have no effect on the tax rate and whether this can be included on the warrant article. Mr. Welch explained why this cannot be included in these articles.

IX. Old Business

1. Article 5 Parking Amendments – Mr. Welch stated that this is the final draft for the Board to review.

The consensus of the BOS was that the amendments were approved at the last meeting, and the changes have been made. The amendments will be implemented.

X. New Business

Mr. Nichols brought up the following items to be added on the next agenda

1. Appointments of the Town Manager and DPW Director to the Southeast Regional Refuse Disposal District 53B.
2. Future Contracting with the Solid Waste District Southeast Regional Refuse Disposal District 53B.

XI. Consent Agenda

1. Cassie Lane – Roadway Warranty Deed
2. Recycling Committee Letter to Businesses
3. Retire Equipment for Donation to Hampton School Children
4. Combination Off-Premise Beverage/Wine/Tobacco Liquor License – Dianne Wall, Owner, dba Diane's Patriot Corner Grocery, 29 Ocean Blvd
5. Raffle Permit "Holy Name Society of Our Lady of The Miraculous Medal" Scholarship and Parish Charities

Discussion

Mr. Nichols asked for an explanation on combination off-premise beverage/wine/tobacco liquor license which Mr. Welch provided.

Mr. Pierce MOTIONED to MOVE the Consent Agenda. Mr. Moore SECONDED.

VOTE: 5-0-0

XII. Selectmen's Closing Comments

Mr. Nichols requests that the following items be placed for discussion on the Agendas of December 27, and January 7.

1. Employment postings on Website – 12/27/12
2. DPW proposal – Eliminating the pick-up on private property – 01/07/13

XIII. Adjournment

Mr. Moore MOTIONED to adjourn the public meeting. Mr. Pierce SECONDED.

VOTE: 5-0-0

Chairman